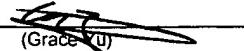


I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 847893501 US, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: March 15, 2006

Signature: 

(Grace Faris)

Docket No.: 511582003500
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Mary FARIS et al.

Application No.: 09/809,638

Confirmation No.: 5083

Filed: March 14, 2001

Art Unit: 1643

For: 125P5C8: A TISSUE SPECIFIC PROTEIN
HIGHLY EXPRESSED IN VARIOUS
CANCERS

Examiner: A. Harris

PETITION UNDER RULE 37 CFR §1.183

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR §1.183, assignee and real-party-in-interest, Agensys, Inc. and co-inventors Pia M. CHALLITA-EID, Steve Chappell MITCHELL, Daniel E.H. AFAR, Arthur B. RAITANO, and Aya JAKOBOVITS respectfully state that co-inventor Mary FARIS refuses to join the application for patent, and requests that this application be accepted for examination and that the attached declaration be accepted without the signature of one of the co-inventors, Mary FARIS.

The pending claims and Declaration under 37 C.F.R. § 1.131 were presented to Mary FARIS for review and execution. Inventor FARIS refused to execute the papers. Below is a brief description of attempts made to contact Mary Faris regarding the Declaration.

1. On January 27, 2006 the Declaration was sent to her via UPS (copy attached as Exhibit A). UPS on-line tracking details indicates that this package was delivered on January 31, 2006 (copy attached as Exhibit B).

2. On February 6, 2006 a telephone message was left at Mary FARIS' residence regarding the Declaration sent to her on January 27, 2006 via UPS. She was asked to return the call and to state status of execution.

3. On February 7, 2006 a second attempt to contact inventor FARIS via telephone was made. Because no one answered, a message was left requesting inventor FARIS to return the call.

4. On February 9, 2006, a third attempt to contact inventor FARIS via telephone was made. Again, no one answered and another message was left requesting inventor FARIS to return the call.

5. On February 13, 2006, a fourth telephonic attempt to contact inventor FARIS was made. Again, no one answered and a fourth message was left requesting inventor FARIS to return the call.

6. On February 14, 2005, a second copy of the package, which enclosed the Declaration, previously sent on January 27, 2006 via UPS, was sent again via UPS to inventor FARIS (copies attached as Exhibit C). UPS on-line tracking details indicates that this package was delivered on February 15, 2006 (copy attached as Exhibit D).

7. On February 23, 2006, a fifth telephonic message was left requesting inventor FARIS to confirm receipt of the package delivered by UPS on February 15, 2006.

In addition, attached as Exhibit E is a collection of e-mails documenting the telephonic attempts to contact inventor FARIS. Attached as Exhibit F is a copy of the Assignment signed by all inventors including Mary FARIS and recorded with the USPTO. Attached as Exhibit G, is a copy of the original Declaration as it was filed and signed by all inventors including Mary FARIS.

Mary FARIS' last known residential address and telephone number is:

2538 Almaden Court
Los Angeles, California 90077
Residence telephone: (310) 859-8508

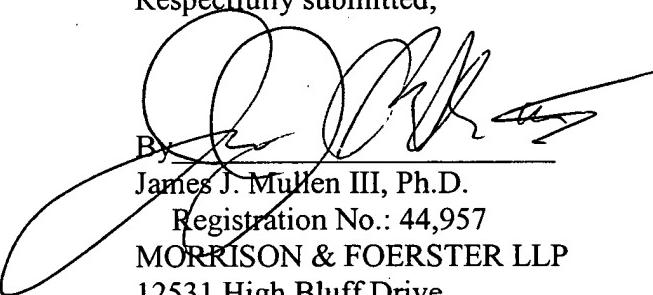
This also is believed to be her current residential address, and telephone number.

Kindly accept this petition under 37 CFR §1.183, and issue a notice of same.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket No. 511582003500. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: March 15, 2006

Respectfully submitted,


By _____
James J. Mullen III, Ph.D.
Registration No.: 44,957
MORRISON & FOERSTER LLP
12531 High Bluff Drive
Suite 100
San Diego, California 92130-2040
(858) 720-7940



Under the Paperwork Reduction Act of 1995, no person are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FEE
Under 37 CFR 1.17(f), (g) & (h)
TRANSMITTAL**

(Fees are subject to annual revision)

Send completed form to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION FEE Under 37 CFR 1.17(f), (g) & (h) TRANSMITTAL (Fees are subject to annual revision) Send completed form to: Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Application Number	09/809,638
	Filing Date	March 14, 2001
	First Named Inventor	Mary FARIS
	Art Unit	1643
	Examiner Name	A. Harris
	Attorney Docket Number	511582003500

Enclosed is a petition filed under 37 CFR 1.183 that requires a processing fee (37 CFR 1.17(f), (g), or (h)). Payment of \$ 800.00 is enclosed.

This form should be included with the above-mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g., Mail Stop Petition), if applicable. For transmittal of processing fees under 37 CFR 1.17(i), see form PTO/SB/17i.

Payment of Fees (small entity amounts are NOT available for the petition fees).

- The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 03-1952:
 Petition fee under 37 CFR 1.17(f), (g) or (h) Any deficiency of fees and credit of any overpayments
 Enclose a duplicative copy of this form for fee processing.
 Check in the amount of \$ _____ is enclosed.
 Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

Petition Fees under 37 CFR 1.17(f): Fee \$400 Fee Code 1462

For petitions filed under:
 § 1.53(e) – to accord a filing date.
 § 1.57(a) – to accord a filing date.
 § 1.182 – for decision on a question not specifically provided for.
 § 1.183 – to suspend the rules.
 § 1.378(e) – for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent.
 § 1.741(b) – to accord a filing date to an application under § 1.740 for extension of a patent term.

Petition Fees under 37 CFR 1.17(g): Fee \$200 Fee Code 1463

For petitions filed under:
 § 1.12 – for access to an assignment record.
 § 1.14 – for access to an application.
 § 1.47 – for filing by other than all the inventors or a person not the inventor.
 § 1.59 – for expungement of information.
 § 1.103(a) – to suspend action in an application.
 § 1.136(b) – for review of a request for extension of time when the provisions of section 1.136(a) are not available.
 § 1.295 – for review of refusal to publish a statutory invention registration.
 § 1.296 – to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued.
 § 1.377 – for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.
 § 1.550(c) – for patent owner requests for extension of time in ex parte reexamination proceedings.
 § 1.956 – for patent owner requests for extension of time in inter partes reexamination proceedings.
 § 5.12 – for expedited handling of a foreign filing license.
 § 5.15 – for changing the scope of a license.
 § 5.25 – for retroactive license.

Petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1464

For petitions filed under:
 § 1.19(g) – to request documents in a form other than that provided in this part.
 § 1.84 – for accepting color drawings or photographs.
 § 1.91 – for entry of a model or exhibit.
 § 1.102(d) – to make an application special.
 § 1.138(e) – to expressly abandon an application to avoid publication.
 § 1.313 – to withdraw an application from issue.
 § 1.314 – to defer issuance of a patent.

Signature

March 15, 2006

Date

James J. Mullen III, Ph.D.

44,957

Typed or printed name

Registration No., if applicable

12531 HIGH BLUFF DRIVE
SUITE 100
SAN DIEGO
CALIFORNIA 92130-2040

TELEPHONE: 858.720.5100
FACSIMILE: 858.720.5125

WWW.MOFO.COM

MORRISON & FOERSTER LLP
NEW YORK, SAN FRANCISCO,
LOS ANGELES, PALO ALTO,
SAN DIEGO, WASHINGTON, D.C.

DENVER, NORTHERN VIRGINIA,
ORANGE COUNTY, SACRAMENTO,
WALNUT CREEK, CENTURY CITY

TOKYO, LONDON, BEIJING,
SHANGHAI, HONG KONG,
SINGAPORE, BRUSSELS

January 27, 2006

Writer's Direct Contact
(858) 720-7940
jmullen@mofo.com

VIA UPS

Dr. Mary Faris
2538 Almaden Court
Los Angeles, CA 90077

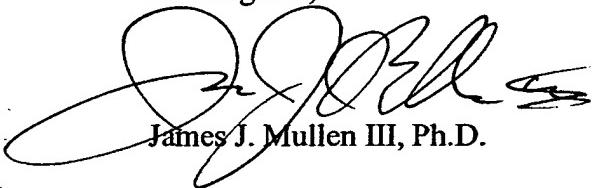
Re: US Patent Application Serial No. 09/809,638
For: 125P5C8: A TISSUE SPECIFIC PROTEIN HIGHLY EXPRESSED IN
VARIOUS CANCERS
By: Mary FARIS et al.
Our Reference: 51158-20035.00

Dear Dr. Faris:

Enclosed is a Declaration by Inventors under 37 C.F.R. § 1.131 in connection with the above-identified patent application. Please review the Declaration and if all is in order, sign and date where indicated, and return the document to us in the enclosed UPS return envelope.

This is an urgent matter. Accordingly, we would appreciate your prompt attention to the enclosed documents. I will be contacting you shortly to discuss the matter. In the meantime, if you have any questions or comments, please do not hesitate to contact us.

Best regards,



James J. Mullen III, Ph.D.

JJM/gly1
Enclosure

UPS Tracking No.: 1Z A11 7OR 37 1000 968 6



UPS 2nd Day Air®

Shipping Document

See Instructions on back. Visit UPS.com® or call 1-800-PICK-UPS® (800-742-5877) for additional information and Terms and Conditions.

TRACKING NUMBER 1Z A11 70R 37 1000 968 6

1 SHIPMENT FROM

SHIPPER'S
UPS
ACCOUNT
NO.
A 1 1 7 0 R

REFERENCE NUMBER

51158-20035.00

NAME

Jim Mullen TELEPHONE
858-720-5179

COMPANY

MORRISON & FOERSTER

STREET ADDRESS

125-1 HIGH BLUFF DR SUITE 100

CITY AND STATE

SAN DIEGO CA 92130 2040

2 DELIVERY TO

NAME TELEPHONE

Dr. Mary Faris

COMPANY

2538 Almaden Court

STREET ADDRESS

Los Angeles CA 90077 X

CITY AND STATE

DEPT./FLR. Residential
Delivery

ZIP CODE

90077



3 WEIGHT		WEIGHT Enter "LTR" if Letter PAK	DIMENSIONAL WEIGHT If Applicable 0.31 lbs	LARGE AIR PACKAGE <input type="checkbox"/>	4 SHIPPER RELEASE <input type="checkbox"/>	2 2
5 2ND DAY AIR CHARGE						CHARGES <input type="checkbox"/> \$
6 SATURDAY PICKUP See Instructions. <input type="checkbox"/>						\$
7 OPTIONAL SERVICES <input type="checkbox"/> DECLARED VALUE FOR CARRIAGE Contents are insured up to \$100,000. If value is greater than \$100, see instructions. <input type="checkbox"/> C.O.D. If C.O.D., enter amount to be collected and attach completed UPS C.O.D. tag to package. <input type="checkbox"/> An Additional Handling Charge applies for certain items. See instructions.						\$
8 ADDITIONAL HANDLING CHARGE TOTAL CHARGES						\$
9 METHOD OF PAYMENT <input checked="" type="checkbox"/> BILL SHIPPER'S ACCOUNT NUMBER IN SECTION 1 <input type="checkbox"/> BILL RECEIVER <input type="checkbox"/> BILL THIRD PARTY <input type="checkbox"/> CREDIT CARD American Express Diner's Club MasterCard Visa RECORD ACCOUNT NO. IN SECTION 9						CHECK <input type="checkbox"/>
10 RECEIVER'S/THIRD PARTY'S UPS ACCT. NO. OR MAJOR CREDIT CARD NO.						EXPIRATION DATE
11 THIRD PARTY'S COMPANY NAME						
12 STREET ADDRESS						
13 CITY AND STATE						ZIP CODE
14 The shipper certifies that the value of each package covered by this receipt is \$100, which is a reasonable value under the circumstances surrounding this shipment. If the value of a package exceeds \$100, the shipper shall be required to declare the value and attach a completed UPS C.O.D. tag to the package. The maximum liability for damage or loss of a package is \$100 per package, unless otherwise specified. All packages are shipped subject to the terms and conditions of the UPS Tariff and UPS Internet Shipping Agreement. This form is not needed with UPS Internet Shipping Agreement.						
15 SHIPPER'S SIGNATURE X <i>[Signature]</i>						DATE OF SHIPMENT 1/27/06
16 All shipments are subject to the terms contained in the UPS Tariff and Terms and Conditions of Service, which are available at UPS.com and local UPS offices.						SHIPPER'S COPY

BEST AVAILABLE COPY

This form is not needed with UPS Internet Shipping Agreement.

Docket No.: 511582003500
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Mary FARIS, et al.

Application No.: 09/809,638

Art Unit: 1643

Filed: March 14, 2001

Examiner: A. Harris

For: 125P5C8: A TISSUE SPECIFIC PROTEIN
HIGHLY EXPRESSED IN VARIOUS
CANCERS

DECLARATION BY INVENTORS
UNDER 37 C.F.R. § 1.131

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

We, the undersigned, declare as follows:

1. We are co-inventors of claims 1, 14 and 23, currently pending in the above-referenced application. The claims relate to an isolated 125P5C8 protein comprising the sequence of SEQ ID NO: 2 or a polynucleotide sequence encoding the codons for SEQ ID NO: 2, which is exemplified by the nucleotide sequence of SEQ ID NO:1.

2. The Office rejected claims 1, 14 and 23 as allegedly being anticipated by WO 200270539 A2, which was filed March 5, 2002. This PCT application claims priority to U.S. Application No. 09/799,451, which was filed March 5, 2001, and is now U.S. Patent No. 6,783,989.

A copy of WO 200270539 was submitted in an Information Disclosure Statement provided in this application mailed on April 5, 2001. This document discloses sequence 1397 which is identical to SEQ ID NO: 2 of the present application.

3. We reduced the claimed invention to practice in the United States prior to the date U.S. Patent No. 6,783,989 was filed (March 5, 2001).

4. This reduction to practice is evidenced by a true and accurate copy of an email message sent to various members of the scientific staff by inventor Steve C. Mitchell on January 3, 2001. The email provides the nucleic acid and amino acid sequences of the material encompassed by the claims in the above-referenced patent application. A copy of this email is provided as Exhibit A.

5. The nucleotide sequence disclosed in Exhibit A consists of 2,103 nucleotides and 699 amino acids.

6. Exhibit B shows a comparison of the nucleotide sequence of SEQ ID NO:1 and the nucleotide sequence disclosed in Exhibit A. Every single nucleotide disclosed in SEQ ID NO:1 is present in the nucleotide sequence disclosed in Exhibit A. Accordingly, the email of Exhibit A clearly demonstrates the that nucleotide sequence of SEQ ID NO:1 was in our possession prior to the earliest priority date to which WO 200270539 (the cited art) is entitled to claim.

7. Exhibit C shows a comparison of the amino acid sequence of SEQ ID NO:2 and the amino acid sequence disclosed in Exhibit A. Every single amino acid residue disclosed in SEQ ID NO: 2 is present in the amino acid sequence disclosed in Exhibit A. Accordingly, the email of Exhibit A clearly demonstrates the that amino acid sequence of SEQ ID NO:2 was in our possession prior to the earliest priority date to which WO 200270539 (the cited art) is entitled to claim.

8. In view of the email provided as Exhibit A and the analysis of the sequences disclosed therein and shown in Exhibits B and C, we declare that the invention of the pending claims was reduced to practice in the United States prior to March 5, 2001, the earliest priority date available to the cited document.

We declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date Executed at

_____	(City/State)	Aya JAKOBOVITS
_____	(City/State)	Daniel E.H. AFAR
_____	(City/State)	Steve Chappell MITCHELL
_____	(City/State)	Pia M. CHALLITA-EID
_____	(City/State)	Arthur B. RAITANO
_____	(City/State)	Mary FARIS

Popp, Shane

From: Mitchell, Steve
 Sent: Wednesday, January 03, 2001 1:43 PM
 To: Scientists
 Subject: 125P5C8 reagents.

Colleagues,

The Company reagent for 125P5C8 (124P1B7/139P3A1) is pasted. It is a PCR based pCR2.1/TA clone(prostate) with three point differences from the Japanese (colon) reported hypothetical sequence. Two point are conserved for translation whereas the third point difference gives an amino acid change near the 3 prime end. This is verified with genomic sequencing.

>125P5C8(124P1B7/139P3A1) pCR2.1 subclone

```
CGATGACCTCGCTGTGGAGAGAAATCCTCTGGAGTCGCTGGGATGTGTTCTTGGCTCTACCATGACCTGGGACCGATG
ATCTATTACTTCCCTTGCAAAACACTAGAACCTACTGGGCTTGAAGGTTTAGTATAGCATTCTTCTCCAATATCCTAACAAATTACT
CCTTCTGGAAATTGGTAAACAAGAACGTGGATGCTAACCCCTGCTGAGGATAATCACTATTGGCACGATAGGCCTCCAGGCTCCA
AATGCCAAACTTCGACTGATGGTCTTGGCCTGGGTGTCCTCTCACTGAGTGTGCAAGCTGTGACTTGGTGGTGGAAAGTCAT
TTGCAAAAGGTACCTCAGAATTGGGATTCACTTTAGGACAGATTGTTCTTGTGTTCTACGCATATGGTACTTCACTAAACCCAAT
CTGGAGTTATCAGATGTGCAACAAAGTGACATGACATTAAGTGCCTAGGCCACACTTGATCGTATTGGCACAGATGGTACGTGAG
TAAACCTGAAGAAAAGAACGTGGTAGGCCACGGGGATGCCCTAGGCCACACTGGCTGCTGGCACGGGCTGCTTGGT
AGCCTTGTGTTCTCACCCACTGGGTTTGGAGAAGTCTCTTCCAGATGGCAGTGGAGTGGGATCACATCCAGGGCC
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TTGATCTGGTGGGTTACAGGAAACAGCTCAGCTGGGGCTCTTACCTGCACACATGGGAGCTGCTGTGCTGGCTGTGCT
TCGCCATTTTACTGCATCCATGTGGCCCCAACACTGGACACCTTATTAACTCAGGGACAAACCCCTGGGAAAACCATGACCATG
CCATGATATTTATCTTCTAGAAATATTCTGTGCTGGCAGCAGCTTAAAGTTGTCCCAGGAGGTGTCACGCTAGAGAAAAG
ATCAGATGTGCTTTGGGACAATGATGTTAATTATCGGGCTGAATATGCTATTGGCTCTAAAGAAAACCTTGACTTGCTTCTCAA
ACAAAAAAACAGTCTAAAGTCTTCAAGAAAGAGTGGAAAATACATGAAACATTCTGTGCTGCTGCTGTTGGTGGGATTTGG
GATTAGGACTACGGCATAAGCCTATGAGAGAAAACCTGGGCAAAGTGGCACCAACCAAAGGGTCTCTGCTGCCATCTGGGCTTTC
AGGTTGGATGATGACAATGAAGGGTGGCTAGTCTAGAAAAGATCAGCTCACCTGCTCAATGAAACAGGTGAGATTTCATAAACATT
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GGTCCAAGCACAAGGTATCACACTGGGGATTATGGCTTCAAGATACCCATTGTGAAATCTGAGCATCACCTTCTCGTCA
CCAGAGGGCGAGATCGCACCCAGCCATCACATTGACCGTAAACATTGCGGAAAGCTGGGATTTGTGCTGACACACTTTGGGAA
CCACGAAGATGACCTCGACAGGAAACTGCAGGCTATTGCTGTTCAAAACTACTGAAAAGTAGCTCTAAATCAAGTGTATTTGGG
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TCAGATGGCAAATTAGGATCCCTGATGACCCACTAATTATAGAGACAACAGAAAAGTGGTCAAGACCACAGAGAAGTTCTGA
GAAAATTCACTTAAATCCAGATTGGATCCTACAAAGAAGGACACAATTATGAAAACAACCATCATTTATGAATACTCOCAAAT
ACTTTTATGAAC
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>125P5C8(124P1B7/139P3A1) pCR2.1 subclone

```
MTSLWREILLESLLGCCVWSLYHDLGPIMYYFPLQTLTGTLEGFSIAFLSPFLTTPFWKLVNKKWMLTLLRITIGSIAFSQAPNAKLRLM
/LALGVSSSLIVQAVTVWSGSHLORYLRIWGFILQIVLVLRIWYTSLNPIWSYOMSNKVILTLSAJATLDRIGTDGDCSKPEEKKTGEVA
IGMASRPNWLLAGAAGFSLVFLTHWVFGEVSLVSRWAWSGHPHGPDPNPFGGAVLLCLASGLMLPSCLWFRGTGLWWVTGTASAA
SLLYLTWAAAASVGCVFAIFTASMWPTQLGHILINSGTNPGBTMIIAMIFYLLEIFFCAWCTAFKFVPGVYARERSDVILLGTMMIILGLNML
GPKKNLDDLLQTKNSKSLVFLRKSEKYMFLWLLVGVLGLGLRKAYERKLKGKAPTKVEVSAAIWPFRFGYDNEGWSLERSAHLL
IETGADFTILESASKPYMGNNDLTMWLGEKLGFYTDGPSTRYHTWGIMALSRYPIVKSEHLLPSPEGEIAPAITLVNISGKLVDVV
HFGNIHEDDLRKLQIAJAVSKLLKSSSNQVIFGYTSAPGSRDYLQLTTEHGNVKIDSTDHDRWCEYIMYRGLRLGYARISHAEISDSEI
MAKFRIPDDPTNYRDNQKVIDHREVSEKHFNPREFGSYKEGHNYENNHHFHINTPKYFL
```

Steve Chappell Mitchell
 Associate Scientist
 uGenesys
 91 Colorado Avenue
 Santa Monica, CA 90404
 (310)820-8029 x281
 (310)820-8489
 email: smitchell@urogenesys.com
 www.urogenesys.com

Exhibit B
A Comparison of SEQ ID NO.:1 and the Nucleotide Sequence of the Email

atgacctcg tggagaga aatccctt gactcgctgc tggatgtgt ttcttggct SID#1
||||||| ||||| ||||| ||||| ||||| ||||| ||||| ||||| ||||| |||||
cg atgacctcg tggagaga aatccctt gactcgctgc tggatgtgt ttcttggct Email

ctctaccatg acctgggacc gatgatctat tacttcctt tgcaaacact agaactcact SID#1
||||||| ||||| ||||| ||||| ||||| ||||| ||||| ||||| |||||
ctctaccatg acctgggacc gatgatctat tacttcctt tgcaaacact agaactcact Email

gggcttgaag gtttagtat agcatttctt tctccaatat tcctaacaat tactccttc SID#1
||||||| ||||| ||||| ||||| ||||| ||||| ||||| ||||| |||||
gggcttgaag gtttagtat agcatttctt tctccaatat tcctaacaat tactccttc Email

tggaaattgg ttaacaagaa gtggatgcta accctgctga ggataatcac tattggcagc SID#1
||||||| ||||| ||||| ||||| ||||| ||||| ||||| ||||| |||||
tggaaattgg ttaacaagaa gtggatgcta accctgctga ggataatcac tattggcagc Email

atagcctcct tccaggctcc aaatgccaaa cttcgactga tggttcttgc gcttgggtg SID#1
||||||| ||||| ||||| ||||| ||||| ||||| ||||| |||||
atagcctcct tccaggctcc aaatgccaaa cttcgactga tggttcttgc gcttgggtg Email

tcttcctcac tgatagtgc agctgtgact tggtggtcgg gaagtcattt gcaaaggta SID#1
||||||| ||||| ||||| ||||| ||||| ||||| ||||| |||||
tcttcctcac tgatagtgc agctgtgact tggtggtcgg gaagtcattt gcaaaggta Email

ctcagaattt ggggattcat ttaggacag attgttctt gtttctacg catatggat SID#1
||||||| ||||| ||||| ||||| ||||| ||||| ||||| |||||
ctcagaattt ggggattcat ttaggacag attgttctt gtttctacg catatggat Email

acttcactaa acccaatctg gagttatcag atgtccaaca aagtgatact gacattaagt SID#1
||||||| ||||| ||||| ||||| ||||| ||||| |||||
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gccatagcca cacttgatcg tattggcaca gatggact gcagtaaacc tgaagaaaag Email

aagactggtg aggtagccac gggatggcc tctagacca actggctgtc ggcagggct SID#1
||||||| ||||| ||||| ||||| ||||| ||||| |||||
aagactggtg aggtagccac gggatggcc tctagacca actggctgtc ggcagggct Email

gctttggta gccttgtt ctcacccac tgggtttt gagaagtctc tcttgttcc SID#1
||||||| ||||| ||||| ||||| ||||| ||||| |||||
gctttggta gccttgtt ctcacccac tgggtttt gagaagtctc tcttgttcc Email

Exhibit B
A Comparison of SEQ ID NO.:1 and the Nucleotide Sequence of the Email

agatggcag tgagtggca tccacatcca gggccagatc ctaaccatt tggaggtgca SID#1
||||||| ||||| ||||| ||||| ||||| ||||| ||||| ||||| ||||| ||||| |||||
agatggcag tgagtggca tccacatcca gggccagatc ctaaccatt tggaggtgca Email

gtactgctgt gcttggcaag tggattgatg cttccatctt gtttgggtt tcgtggtaact SID#1
||||||| ||||| ||||| ||||| ||||| ||||| ||||| ||||| ||||| |||||
gtactgctgt gcttggcaag tggattgatg cttccatctt gtttgggtt tcgtggtaact Email

ggtttgcata ggtgggttac aggaacagct tcagctgcgg ggctccttta cctgcacaca SID#1
||||||| ||||| ||||| ||||| ||||| ||||| ||||| ||||| ||||| |||||
ggtttgcata ggtgggttac aggaacagct tcagctgcgg ggctccttta cctgcacaca Email

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||||||| ||||| ||||| ||||| ||||| ||||| ||||| ||||| ||||| |||||
tggcagctg ctgtgtctgg ctgtgtcttc gccatcttta ctgcatccat gtggcccaa Email

acacttggac accttattaa ctcagggaca aaccctggga aaaccatgac cattgccatg SID#1
||||||| ||||| ||||| ||||| ||||| ||||| ||||| ||||| |||||
acacttggac accttattaa ctcagggaca aaccctggga aaaccatgac cattgccatg Email

atattttatc ttctagaaat atttttctgt gcctggtgca cagctttaa gtttgcucca SID#1
||||||| ||||| ||||| ||||| ||||| ||||| ||||| ||||| |||||
atattttatc ttctagaaat atttttctgt gcctggtgca cagctttaa gtttgcucca Email

ggaggtgtct acgctagaga aagatcagat gtgctttgg ggacaatgat gttaattatc SID#1
||||||| ||||| ||||| ||||| ||||| ||||| ||||| |||||
ggaggtgtct acgctagaga aagatcagat gtgctttgg ggacaatgat gttaattatc Email

gggctgaata tgctatttgg tcctaagaaa aaccttgact tgcttcttca aacaaaaaac SID#1
||||||| ||||| ||||| ||||| ||||| ||||| ||||| |||||
gggctgaata tgctatttgg tcctaagaaa aaccttgact tgcttcttca aacaaaaaac Email

agttctaaag tgcttttcag aaagagtgaa aaatacatga aacttttct gtggctgctt SID#1
||||||| ||||| ||||| ||||| ||||| ||||| ||||| |||||
agttctaaag tgcttttcag aaagagtgaa aaatacatga aacttttct gtggctgctt Email

gttgggtgtgg gattgttggg attaggacta cggcataaaag cctatgagag aaaactgggc SID#1
||||||| ||||| ||||| ||||| ||||| ||||| ||||| |||||
gttgggtgtgg gattgttggg attaggacta cggcataaaag cctatgagag aaaactgggc

Exhibit B
A Comparison of SEQ ID NO.:1 and the Nucleotide Sequence of the Email

aaagtggcac caaccaaaga ggtctctgct gccatctggc ctttcaggtt tggatatgac SID#1
||||||| ||||| ||||| ||||| ||||| ||||| ||||| ||||| ||||| ||||| |||||
aaagtggcac caaccaaaga ggtctctgct gccatctggc ctttcaggtt tggatatgac Email

aatgaagggt ggtcttagtct agaaaagatca gctcacctgc tcaatgaaac aggtgcagat SID#1
||||||| ||||| ||||| ||||| ||||| ||||| ||||| ||||| ||||| |||||
aatgaagggt ggtcttagtct agaaaagatca gctcacctgc tcaatgaaac aggtgcagat Email

ttcataacaa ttttggagag tgatgcttct aagccctata tggggAACAA tgacttaacc SID#1
||||||| ||||| ||||| ||||| ||||| ||||| ||||| ||||| ||||| |||||
ttcataacaa ttttggagag tgatgcttct aagccctata tggggAACAA tgacttaacc Email

atgtggctag gggAAAAGTT gggTTTCTAT acagactttg gtccaaGCAC aaggtatCAC SID#1
||||||| ||||| ||||| ||||| ||||| ||||| ||||| ||||| ||||| |||||
atgtggctag gggAAAAGTT gggTTTCTAT acagactttg gtccaaGCAC aaggtatCAC Email

acttggggga ttatggcttt gtcaagatac ccaattgtga aatctgagca tcaccttctt SID#1
||||||| ||||| ||||| ||||| ||||| ||||| ||||| ||||| ||||| |||||
acttggggga ttatggcttt gtcaagatac ccaattgtga aatctgagca tcaccttctt Email

ccgtcaccag agggcgagat cgacccAGCC atcacattga ccgttaacat ttcgggcaag SID#1
||||||| ||||| ||||| ||||| ||||| ||||| ||||| ||||| ||||| |||||
ccgtcaccag agggcgagat cgacccAGCC atcacattga ccgttaacat ttcgggcaag Email

ctggtgatt ttgtcgtgac acactttggg aaccacgaag atgacctcgA cagggAAactg SID#1
||||||| ||||| ||||| ||||| ||||| ||||| ||||| ||||| ||||| |||||
ctggtgatt ttgtcgtgac acactttggg aaccacgaag atgacctcgA cagggAAactg Email

caggctattg ctgtttcaaa actactgaaa agtagctcta atcaagtgtat atttctggga SID#1
||||||| ||||| ||||| ||||| ||||| ||||| ||||| ||||| ||||| |||||
caggctattg ctgtttcaaa actactgaaa agtagctcta atcaagtgtat atttctggga Email

tatatcaCTT cagcacCTGG ctccagAGAT tatctacAGC tcactGAACA tggcaatGTG SID#1
||||||| ||||| ||||| ||||| ||||| ||||| ||||| ||||| ||||| |||||
tatatcaCTT cagcacCTGG ctccagAGAT tatctacAGC tcactGAACA tggcaatGTG Email

aaggatATCG acagcACTGA tcATGACAGA tggTGTGAAT acATTATGTA tcgaggGCTG SID#1
||||||| ||||| ||||| ||||| ||||| ||||| ||||| ||||| ||||| |||||
aaggatATCG acagcACTGA tcATGACAGA tggTGTGAAT acATTATGTA tcgaggGCTG Email

atcaggttgg gttatgcaag aatctcccat gctgaactga gtgattcaga aattcagatg SID#1
||||||| ||||| ||||| ||||| ||||| ||||| ||||| ||||| ||||| |||||
atcaggttgg gttatgcaag aatctcccat gctgaactga gtgattcaga aattcagatg

Exhibit B
A Comparison of SEQ ID NO.:1 and the Nucleotide Sequence of the Email

gcaaaaattta ggatccctga tgaccccact aattatagag acaaccagaa agtggtcata SID#1
||||||| ||||| ||||| ||||| ||||| ||||| ||||| ||||| ||||| |||||
gcaaaaattta ggatccctga tgaccccact aattatagag acaaccagaa agtggtcata Email

gaccacagag aagtttctga gaaaattcat ttaatccca gatttggatc ctacaaagaa SID#1
||||||| ||||| ||||| ||||| ||||| ||||| ||||| ||||| |||||
gaccacagag aagtttctga gaaaattcat ttaatccca gatttggatc ctacaaagaa Email

ggacacaatt atgaaaacaa ccatcatttt catatgaata ctcccaaata ctttttatga SID#1
||||||| ||||| ||||| ||||| ||||| ||||| ||||| |||||
ggacacaatt atgaaaacaa ccatcatttt catatgaata ctcccaaata ctttttatga Email

aac SID#1
|||
aac Email

Exhibit C**A Comparison of SEQ ID NO.:2 and the Nucleotide Sequence of the Email**

Met Thr Ser Leu Trp Arg Glu Ile Leu Leu Glu Ser Leu Leu Gly (SID #2)
 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
 Met Thr Ser Leu Trp Arg Glu Ile Leu Leu Glu Ser Leu Leu Gly (Email)

Cys Val Ser Trp Ser Leu Tyr His Asp Leu Gly Pro Met Ile Tyr Tyr (SID #2)
 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
 Cys Val Ser Trp Ser Leu Tyr His Asp Leu Gly Pro Met Ile Tyr Tyr (Email)

Phe Pro Leu Gln Thr Leu Glu Leu Thr Gly Leu Glu Gly Phe Ser Ile (SID #2)
 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
 Phe Pro Leu Gln Thr Leu Glu Leu Thr Gly Leu Glu Gly Phe Ser Ile (Email)

Ala Phe Leu Ser Pro Ile Phe Leu Thr Ile Thr Pro Phe Trp Lys Leu (SID #2)
 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
 Ala Phe Leu Ser Pro Ile Phe Leu Thr Ile Trp Pro Phe Trp Lys Leu (Email)

Val Asn Lys Lys Trp Met Leu Thr Leu Leu Arg Ile Ile Thr Ile Gly (SID #2)
 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
 Val Asn Lys Lys Trp Met Leu Thr Leu Leu Arg Ile Ile Thr Ile Gly (Email)

Ser Ile Ala Ser Phe Gln Ala Pro Asn Ala Lys Leu Arg Leu Met Val (SID #2)
 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
 Ser Ile Ala Ser Phe Gln Ala Pro Asn Ala Lys Leu Arg Leu Met Val (Email)

Leu Ala Leu Gly Val Ser Ser Leu Ile Val Gln Ala Val Thr Trp (SID #2)
 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
 Leu Ala Leu Gly Val Ser Ser Leu Ile Val Gln Ala Val Thr Trp (Email)

Trp Ser Gly Ser His Leu Gln Arg Tyr Leu Arg Ile Trp Gly Phe Ile (SID #2)
 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
 Trp Ser Gly Ser His Leu Gln Arg Tyr Leu Arg Ile Trp Gly Phe Ile (Email)

Leu Gly Gln Ile Val Leu Val Val Leu Arg Ile Trp Tyr Thr Ser Leu (SID #2)
 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
 Leu Gly Gln Ile Val Leu Val Val Leu Arg Ile Trp Tyr Thr Ser Leu (Email)

Asn Pro Ile Trp Ser Tyr Gln Met Ser Asn Lys Val Ile Leu Thr Leu (SID #2)
 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
 Asn Pro Ile Trp Ser Tyr Gln Met Ser Asn Lys Val Ile Leu Thr Leu (Email)

Ser Ala Ile Ala Thr Leu Asp Arg Ile Gly Thr Asp Gly Asp Cys Ser (SID #2)
 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
 Ser Ala Ile Ala Thr Leu Asp Arg Ile Gly Thr Asp Gly Asp Cys Ser (Email)

Exhibit C

A Comparison of SEQ ID NO.:2 and the Nucleotide Sequence of the Email

Lys Pro Glu Glu Lys Lys Thr Gly Glu Val Ala Thr Gly Met Ala Ser (SID #2)
| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
Lys Pro Glu Glu Lys Lys Thr Gly Glu Val Ala Thr Gly Met Ala Ser (Email)

Arg Pro Asn Trp Leu Leu Ala Gly Ala Ala Phe Gly Ser Leu Val Phe (SID #2)
| | | | | | | | | | | | | | | | | | | |
Arg Pro Asn Trp Leu Leu Ala Gly Ala Ala Phe Gly Ser Leu Val Phe (Email)

Val Ser Gly His Pro His Pro Gly Pro Asp Pro Asn Pro Phe Gly Gly (SID #2)
| | | | | | | | | | | | | | | | | | | |
Val Ser Gly His Pro His Pro Gly Pro Asp Pro Asn Pro Phe Gly Gly (Email)

Ala Val Leu Leu Cys Leu Ala Ser Gly Leu Met Leu Pro Ser Cys Leu (SID #2)
| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
Ala Val Leu Leu Cys Leu Ala Ser Glu Leu Met Leu Pro Ser Cys Leu (Email)

Ala Ala Gly Leu Leu Tyr Leu His Thr Trp Ala Ala Ala Val Ser Gly (SID #2)
| | | | | | | | | | | | | | | | | | | |
Ala Ala Gly Leu Leu Tyr Leu His Thr Trp Ala Ala Ala Val Ser Gly (Email)

Cys Val Phe Ala Ile Phe Thr Ala Ser Met Trp Pro Gln Thr Leu Gly (SID #2)
| | | | | | | | | | | | | | | | | |
Cys Val Phe Ala Ile Phe Thr Ala Ser Met Trp Pro Gln Thr Leu Gly (Email)

His Leu Ile Asn Ser Gly Thr Asn Pro Gly Lys Thr Met Thr Ile Ala (SID #2)
| | | | | | | | | | | | | | | | | |
His Leu Ile Asn Ser Gly Thr Asn Pro Gly Lys Thr Met Thr Ile Ala (Email)

Met Ile Phe Tyr Leu Leu Glu Ile Phe Phe Cys Ala Trp Cys Thr Ala (SID #2)
| | | | | | | | | | | | | | | | | |
Met Ile Phe Tyr Leu Leu Glu Ile Phe Phe Cys Ala Trp Cys Thr Ala (Email)

Phe Lys Phe Val Pro Gly Gly Val Tyr Ala Arg Glu Arg Ser Asp Val (SID #2)
 | | | | | | | | | | | | | |
 Phe Lys Phe Val Pro Gly Gly Val Tyr Ala Arg Glu Arg Ser Asp Val (Email)

Exhibit C

A Comparison of SEQ ID NO.:2 and the Nucleotide Sequence of the Email

Pro Lys Lys Asn Leu Asp Leu Leu Leu Gln Thr Lys Asn Ser Ser (SID #2)
| | | | | | | | | | | | | | | | | |
Pro Lys Lys Asn Leu Asp Leu Leu Leu Gln Thr Lys Asn Ser Ser (Email)

Leu Leu Val Gly Val Gly Leu Leu Gly Leu Gly Leu Arg His Lys Ala (SID #2)
| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
Leu Leu Val Gly Val Gly Leu Leu Gly Leu Gly Leu Arg His Lys Ala (Email)

Tyr Glu Arg Lys Leu Gly Lys Val Ala Pro Thr Lys Glu Val Ser Ala Ala (SID #2)
| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
Tyr Glu Arg Lys Leu Gly Lys Val Ala Pro Thr Lys Glu Val Ser Ala Ala (Email)

Ile Trp Pro Phe Arg Phe Gly Tyr Asp Asn Glu Gly Trp Ser Ser (SID #2)
| | | | | | | | | | | | | | | | | | | |
Ile Trp Pro Phe Arg Phe Gly Tyr Asp Asn Glu Gly Trp Ser Ser (Email)

Thr Ile Leu Glu Ser Asp Ala Ser Lys Pro Tyr Met Gly Asn Asn Asp (SID #2)
| | | | | | | | | | | | | | | | | | | |
Thr Ile Leu Glu Ser Asp Ala Ser Lys Pro Tyr Met Gly Asn Asn Asp (Email)

Pro Ser Thr Arg Tyr His Thr Trp Gly Ile Met Ala Leu Ser Arg Tyr (SID #2)
| | | | | | | | | | | | | | | | | |
Pro Ser Thr Arg Tyr His Thr Trp Gly Ile Met Ala Leu Ser Arg Tyr (Email)

Pro Ile Val Lys Ser Glu His His Leu Leu Pro Ser Pro Glu Gly Glu (SID #2)
| | | | | | | . | | | | | | | | | | | |
Pro Ile Val Lys Ser Glu His His Leu Leu Pro Ser Pro Glu Gly Glu (Email)

Exhibit C**A Comparison of SEQ ID NO.:2 and the Nucleotide Sequence of the Email**

Ile Ala Pro Ala Ile Thr Leu Thr Val Asn Ile Ser Gly Lys Leu Val (SID #2)
 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
 Ile Ala Pro Ala Ile Thr Leu Thr Val Asn Ile Ser Gly Lys Leu Val (Email)

Asp Phe Val Val Thr His Phe Gly Asn His Glu Asp Asp Leu Asp Arg (SID #2)
 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
 Asp Phe Val Val Thr His Phe Gly Asn His Glu Asp Asp Leu Asp Arg (Email)

Lys Leu Gln Ala Ile Ala Val Ser Lys Leu Leu Lys Ser Ser Ser Asn (SID #2)
 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
 Lys Leu Gln Ala Ile Ala Val Ser Lys Leu Leu Lys Ser Ser Ser Asn (Email)

Gln Val Ile Phe Leu Gly Tyr Ile Thr Ser Ala Pro Gly Ser Arg Asp (SID #2)
 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
 Gln Val Ile Phe Leu Gly Tyr Ile Thr Ser Ala Pro Gly Ser Arg Asp

Tyr Leu Gln Leu Thr Glu His Gly Asn Val Lys Asp Ile Asp Ser Thr (SID #2)
 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
 Tyr Leu Gln Leu Thr Glu His Gly Asn Val Lys Asp Ile Asp Ser Thr (Email)

Asp His Asp Arg Trp Cys Glu Tyr Ile Met Tyr Arg Gly Leu Ile Arg (SID #2)
 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
 Asp His Asp Arg Trp Cys Glu Tyr Ile Met Tyr Arg Gly Leu Ile Arg (Email)

Leu Gly Tyr Ala Arg Ile Ser His Ala Glu Leu Ser Asp Ser Glu Ile (SID #2)
 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
 Leu Gly Tyr Ala Arg Ile Ser His Ala Glu Leu Ser Asp Ser Glu Ile (Email)

Gln Met Ala Lys Phe Arg Ile Pro Asp Asp Pro Thr Asn Tyr Arg Asp (SID #2)
 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
 Gln Met Ala Lys Phe Arg Ile Pro Asp Asp Pro Thr Asn Tyr Arg Asp (Email)

Asn Gln Lys Val Val Ile Asp His Arg Glu Val Ser Glu Lys Ile His (SID #2)
 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
 Asn Gln Lys Val Val Ile Asp His Arg Glu Val Ser Glu Lys Ile His (SID #2)

Phe Asn Pro Arg Phe Gly Ser Tyr Lys Glu Gly His Asn Tyr Glu Asn (SID #2)
 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
 Phe Asn Pro Arg Phe Gly Ser Tyr Lys Glu Gly His Asn Tyr Glu Asn (Email)

Asn His His Phe His Met Asn Thr Pro Lys Tyr Phe Leu (SID #2)
 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
 Asn His His Phe His Met Asn Thr Pro Lys Tyr Phe Leu (Email)


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||||| Track by Tracking Number

View Details

Status: Delivered
Delivered on: 01/31/2006 3:22 P.M.
Location: FRONT DOOR
Delivered to: LOS ANGELES, CA, US
Shipped or Billed on: 01/27/2006

Tracking Number: 1Z A11 70R 37 1000 968 6
Service Type: 2ND DAY AIR
Weight: 1.00 Lb

Package Progress:

Location	Date	Local Time	Activity
LOS ANGELES, CA, US	01/31/2006	3:22 P.M.	DELIVERY
	01/31/2006	7:01 A.M.	OUT FOR DELIVERY
	01/31/2006	5:30 A.M.	ARRIVAL SCAN
VERNON, CA, US	01/31/2006	4:50 A.M.	DEPARTURE SCAN
	01/30/2006	10:17 P.M.	ARRIVAL SCAN
SAN DIEGO, CA, US	01/30/2006	8:12 P.M.	DEPARTURE SCAN
	01/30/2006	6:21 P.M.	ORIGIN SCAN
SAN DIEGO, CA, US	01/27/2006	5:09 P.M.	PICKUP SCAN
US	01/27/2006	8:00 P.M.	BILLING INFORMATION RECEIVED

Tracking results provided by UPS: 03/15/2006 12:21 P.M. Eastern Time (USA)

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UPS CampusShip: View/Print Label

1.Print the label(s): Select the Print button on the print dialog box that appears. Note: If your browser does not support this function select Print from the File menu to print the label.

2.Fold the printed label at the dotted line. Place the label in a UPS Shipping Pouch. If you do not have a pouch, affix the folded label using clear plastic shipping tape over the entire label.

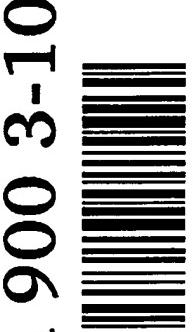
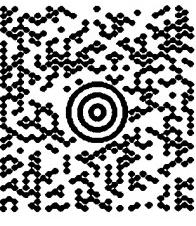
3.G ETTING YOUR SHIPMENT TO UPS**Customers without a Daily Pickup**

- o Schedule a same day or future day Pickup to have a UPS driver pickup all of your Internet Shipping packages.
- o Hand the package to any UPS driver in your area.
- o Take your package to The UPS Store™, Customer Center or Authorized Shipping Outlet.
- o Drop off your Air Shipments including Worldwide Express SM at one of our 50,000 UPS locations.

Customers with a Daily Pickup

- o Your driver will pickup your shipment(s) as usual.

FOLD HERE

1 OF 1	LTR	1 OF 1
SHIP TO: MARY PARIS (310) 859-8508 2538 ALMADEN COURT LOS ANGELES CA 90077-2520		
 CA 900 3-10 		
UPS NEXT DAY AIR SAVER 1P TRACKING #: 1Z A11 70R 30 9638 4382		
		
BILLING: P/P		
Client/Matter/Atty#/Initials: 511582003500		
511582003500		
* TM CS 6.0.14.0 WODIM 51.0A 01/2006		
		

Yu, Grace L.

From: Yu, Grace L.
Sent: Monday, February 06, 2006 4:53 PM
To: 'Popp, Shane'
Cc: Mullen, James J.
Subject: 35.00 Declaration

Hi Shane,

Just wanted to let you know that Dr. Afar has executed and returned the Declaration. As for Dr. Faris, I left a voice-message at her residence and will follow-up accordingly. I'm keep a log of my efforts in case we are unable to obtain her signature.

Thanks,
Grace

*Grace Yu
Patent Legal Secretary
Morrison & Foerster LLP
12531 High Bluff Drive, Suite 100
San Diego, CA 92130
(858) 720-7972*

Yu, Grace L.

From: Yu, Grace L.
Sent: Tuesday, February 07, 2006 3:27 PM
To: Mullen, James J.
Subject: 35.00 Dec

I called Dr. Faris to follow-up on my message of yesterday. There was no answer, so I left a second message.

Grace

*Grace Yu
Patent Legal Secretary
Morrison & Foerster LLP
12531 High Bluff Drive, Suite 100
San Diego, CA 92130
(858) 720-7972*

Yu, Grace L.

From: Yu, Grace L.
Sent: Monday, February 13, 2006 4:51 PM
To: Mullen, James J.
Subject: RE: Please call Dr. Faris

Works for me.

-----Original Message-----

From: Mullen, James J.
Sent: Monday, February 13, 2006 4:51 PM
To: Yu, Grace L.
Subject: RE: Please call Dr. Faris

If you send it out tomorrow, the 14th, I want it at her door when she comes home at 6PM Wednesday. However much that costs.

-----Original Message-----

From: Mullen, James J.
Sent: Monday, February 13, 2006 4:50 PM
To: Yu, Grace L.
Subject: RE: Please call Dr. Faris

Overnight.

-----Original Message-----

From: Yu, Grace L.
Sent: Monday, February 13, 2006 4:49 PM
To: Mullen, James J.
Subject: RE: Please call Dr. Faris

I called and left another message. >

You want to do the registered mail via the USPS? Or another 2 day via UPS?

-----Original Message-----

From: Mullen, James J.
Sent: Monday, February 13, 2006 9:30 AM
To: Yu, Grace L.
Cc: Shane M. Popp J.D., LL.M. (spopp@agensys.com)
Subject: FW: Please call Dr. Faris

Please call Dr. Faris again. Also, please send another copy of the declaration to her by certified mail. I want to file the petition to proceed without her by the end of the week, assuming she doesn't respond.

Jim

-----Original Message-----

From: Yu, Grace L.
Sent: Thursday, February 09, 2006 5:44 PM
To: Mullen, James J.
Subject: RE: Please call Dr. Faris

Yup. I'll make a note tomorrow. >

-----Original Message-----

From: Mullen, James J.
Sent: Thursday, February 09, 2006 5:42 PM
To: Yu, Grace L.
Subject: RE: Please call Dr. Faris

Thanks. Message again? >

-----Original Message-----

From: Yu, Grace L.
Sent: Thursday, February 09, 2006 5:41 PM
To: Mullen, James J.
Subject: RE: Please call Dr. Faris

Done.

-----Original Message-----

From: Mullen, James J.
Sent: Thursday, February 09, 2006 3:40 PM
To: Yu, Grace L.
Subject: Please call Dr. Faris

I'd like for you to call as close to your departure time as possible.

James J. Mullen III, Ph.D.
Patent Attorney
Morrison & Foerster LLP
12531 High Bluff Drive
Suite 100
San Diego, CA 92130
Direct: (858) 720-7940
Fax: (858) 523-2832
<mailto:jmullen@mfo.com>

"The patent system added the fuel of interest to the fire of genius."

- Abraham Lincoln

Yu, Grace L.

From: Yu, Grace L.
Sent: Wednesday, March 15, 2006 11:48 AM
To: Mullen, James J.
Subject: Mary Faris

FYI: I forgot to mention to you that I made a fifth and final attempt to contact Dr. Faris about the execution of the 1.131 Declaration on February 23rd, 2006.

*Grace Yu
Patent Legal Secretary
Morrison & Foerster LLP
12531 High Bluff Drive, Suite 100
San Diego, CA 92130
(858) 720-7972*



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KAREN S. CANADY
6701 CENTER DRIVE WEST, SUITE 1050
LOS ANGELES, CA 90045



101805748A

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NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

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PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 08/06/2001

REEL/FRAME: 012044/0106
NUMBER OF PAGES: 4

BRIEF: ASSIGNMENT OF ASSIGNEE'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNEE:

FARIS, MARY

DOC DATE: 06/06/2001

ASSIGNEE:

CHALLITA-EID, PIA M.

DOC DATE: 06/08/2001

ASSIGNEE:

MITCHELL, STEVE CHAPPELL

DOC DATE: 06/06/2001

ASSIGNEE:

AFAR, DANIEL E.H.

RECEIVED

DOC DATE: 05/23/2001

ASSIGNEE:

RAITANO, ARTHUR B. OCT 19 2001

DOC DATE: 06/06/2001

ASSIGNEE:

JAKOBIVITS, AYA

RECEIVED
U.S. PATENT AND TRADEMARK
OFFICE
SAN DIEGO

DOC DATE: 05/31/2001

ASSIGNEE:

UROGENESYS, INC.
1701 COLORADO AVENUE
SANTA MONICA, CALIFORNIA 90404



012044/0106 PAGE 2

SERIAL NUMBER: 09809638
PATENT NUMBER:

FILING DATE: 03/14/2001
ISSUE DATE:

JOANN STEWART, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

08-09-2001



U.S. DEPARTMENT OF COMMERCE

Patent and Trademark Office

G&C 129.35-US-01 FORM PTO-1595

(Rev. 6-93)

OMB No. 0651-0011 (exp. 4/94)

101805748

Docket-G&C 129.35-US-01

To the Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

- 8-6-01*
- (1) Mary Faris
 - (2) Pia M. Challita-Eid
 - (3) Steve Chappell Mitchell
 - (4) Daniel E.H. Afar
 - (5) Arthur B. Raitano
 - (6) Aya Jakobovits

2. Name and address of receiving party(ies):

UroGenesys, Inc.
1701 Colorado Avenue
Santa Monica, CA 90404

AUG - 6 2001

Additional name(s) of conveying party(ies) attached? NoAdditional name(s) & address(es) attached? No

3. Nature of conveyance:

- Assignment

Execution Date: (1) June 6, 2001, (2) June 8, 2001, (3) June 6, 2001, (4) May 23, 2001, (5) June 6, 2001, (6) May 31, 2001

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is:

A. Patent Application No.(s)

B. Patent No.(s)

Application Serial No. 09/809,638 filed March 14, 2001Additional numbers attached? No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Karen S. Canady
 Address: GATES & COOPER LLP
 6701 Center Drive West, Suite 1050
 Los Angeles, CA 90045

6. Total number of applications and patents involved: One

7. Total fee (37 CFR 3.41): \$40

Assignment recordation fee is to be charged to a Credit Card. Form PTO-2038 Credit Card Payment Form is enclosed.

8. Please charge any additional fees or credit any overpayments to Deposit Account No. 50-0494.

DO NOT USE THIS SPACE

9. Statement and signature:

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Karen S. Canady

Name of Person Signing

Signature

July 30, 2001

Date

Total number of pages including cover sheet, attachments, and document: Four

Do not detach this portion

Mail documents to be recorded with required cover sheet information to:

Director – United States Patent and Trademark Office
Box Assignment
Washington, D.C. 20231

Public burden reporting for this sample cover sheet is estimated to average about 30 minutes per document to be recorded, including time for reviewing the document and gathering the data needed, and completing and reviewing the sample cover sheet. Send comments regarding this burden estimate to the U.S. Patent and Trademark Office, Office of Information Systems, PK2-1000C, Washington, D.C. 20231, and to the Office of Management and Budget, Paperwork Reduction Project (0651-0011), Washington, D.C. 20503.

8/2001 LMUELLER 00000112 09809638

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ASSIGNMENT

WHEREAS, Mary Faris, Pia M. Challita-Eid, Steve Chappell Mitchell, Daniel E.H. Afar, Arthur B. Raitano, and Aya Jakobovits (hereinafter "Assignor(s)"), made certain new and useful inventions and improvements which are entitled 125P5C8: A TISSUE SPECIFIC PROTEIN HIGHLY EXPRESSED IN VARIOUS CANCERS and which are disclosed in:

- U.S. Application Serial No. 09/809,638, filed on March 14, 2001

AND WHEREAS, UroGenesys, Inc., a corporation organized and existing under and by virtue of the laws of the State of California, and having an office and place of business at 1701 Colorado Avenue, Santa Monica, California 90404 (hereinafter "Assignee") is desirous of acquiring the entire right, title and interest in and to said inventions, improvements and application and in and to the Letters Patent to be obtained therefor;

NOW THEREFORE, to all whom it may concern, be it known that for and in consideration of the sum of One Dollar and other good and valuable considerations, the receipt and sufficiency whereof is hereby acknowledged, Assignor(s) have sold, assigned, and transferred, and by these presents do sell, assign and transfer unto said Assignee, its successors or assigns, the entire right, title and interest for all countries in and to all inventions and improvements disclosed in the aforesaid application, and in and to the application, all divisions, continuations, or renewals thereof, all Letters Patent which may be granted therefrom, and all reissues or extensions of such patents, and in and to any and all applications which have been or shall be filed in any foreign countries for Letters Patent on the inventions and improvements, including an assignment of all rights under the provisions of the International Convention, and all Letters Patent of foreign countries which may be granted therefrom; and do hereby authorize and request the Commissioner of Patents and Trademarks to issue any and all United States Letters Patent for the aforesaid inventions and improvements to the Assignee as the assignee of the entire right, title and interest in and to the same, for the use of the Assignee, its successors and assigns.

AND, for the consideration aforesaid, Assignor(s) do hereby agree that they and their executors and legal representatives will make, execute and deliver any and all other instruments in writing including any and all further application papers, affidavits, assignments and other documents, and will communicate to said Assignee, its successors and representatives all facts known to

Assignor(s) relating to said improvements and the history thereof and will testify in all legal proceedings and generally do all things which may be necessary or desirable more effectually to secure to and vest in said Assignee, its successors or assigns the entire right, title and interest in and to the improvements, inventions, applications, Letters Patent, rights, titles, benefits, privileges and advantages hereby sold, assigned and conveyed, or intended so to be.

AND, furthermore Assignor(s) covenant and agree with said Assignee, its successors and assigns, that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been made to others by Assignor(s) and that full right to convey the same as herein expressed is possessed by Assignor(s). An attorney of record is authorized and requested by the execution of this assignment to insert into this assignment the filing date and serial number of said application when officially known.

Date: 6. 6.01

Signature: 
Name: Mary Faris

Date: 6/8/01

Signature: 
Name: Pia M. Challita-Eid

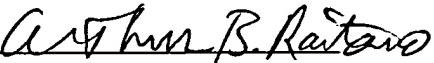
Date: 6/6/2001

Signature: 
Name: Steve Chappell Mitchell

Date: _____

Signature: _____
Name: Daniel E.H. Afar

Date: 6/6/2001

Signature: 
Name: Arthur B. Raitano

Date: 5/31/01

Signature: 
Name: Aya Jakobovits

Assignor(s) relating to said improvements and the history thereof and will testify in all legal proceedings and generally do all things which may be necessary or desirable more effectually to secure to and vest in said Assignee, its successors or assigns the entire right, title and interest in and to the improvements, inventions, applications, Letters Patent, rights, titles, benefits, privileges and advantages hereby sold, assigned and conveyed, or intended so to be.

AND, furthermore Assignor(s) covenant and agree with said Assignee, its successors and assigns, that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been made to others by Assignor(s) and that full right to convey the same as herein expressed is possessed by Assignor(s). An attorney of record is authorized and requested by the execution of this assignment to insert into this assignment the filing date and serial number of said application when officially known.

Date: _____

Signature: _____

Name: Mary Faris

Date: _____

Signature: _____

Name: Pia M. Challita-Eid

Date: _____

Signature: _____

Name: Steve Chappell Mitchell

Date: May 23, 2001

Signature: _____

Name: Daniel E.H. Afar

Date: _____

Signature: _____

Name: Arthur B. Raitano

Date: _____

Signature: _____

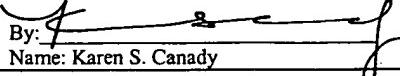
Name: Aya Jakobovits

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Mary Faris et al. Examiner: Not yet assigned
Serial No.: 09/809,638 Group Art Unit: 1645
Filed: March 14, 2001 Docket: G&C 129.35-US-01
Title: 125P5C8: A TISSUE SPECIFIC PROTEIN HIGHLY EXPRESSED IN VARIOUS CANCERS

CERTIFICATE OF MAILING OR TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Director – United States Patent and Trademark Office, Washington, D.C. 20231 on July 30, 2001.

By: 
Name: Karen S. Canady

BOX ASSIGNMENT

Director – United States Patent and Trademark Office
Washington, D.C. 20231

Dear Sir:

We are transmitting herewith the attached:

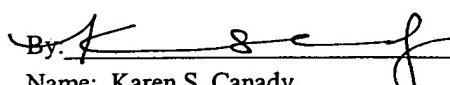
- Transmittal sheet, in duplicate, containing a Certificate of Mailing under 37 CFR 1.8.
- Assignment of the invention to Agensys, Inc. and a corresponding Recordation Form Cover Sheet.
- PTO-2038 Credit Card Payment Form for the amount of \$40.00 for the Assignment Recordation Fee is enclosed herewith.
- Return postcard.

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers, if appropriate.

Please charge any additional fees or credit any overpayment to Deposit Account No. 50-0494 of Gates & Cooper LLP. A duplicate of this paper is enclosed.

CUSTOMER NUMBER 22462.

GATES & COOPER LLP
Howard Hughes Center
6701 Center Drive West, Suite 1050
Los Angeles, CA 90045
(310) 641-8797

By: 
Name: Karen S. Canady
Reg. No.: 39,927
KSC/sjm

(PTO TRANSMITTAL - GENERAL)

GATES & COOPER LLP
United States Patent Application
COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

125P5C8: A TISSUE SPECIFIC PROTEIN HIGHLY EXPRESSED IN VARIOUS CANCERS

The specification of which:

- a. is attached hereto.
- b. was filed on March 14, 2001 as United States Application Number 09/809,638 or PCT International Application Number _____ and was amended on _____ (if applicable), which I have reviewed and for which I solicit a United States patent.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (attached hereto).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate or any PCT application having a filing date before that of the application on the basis of which priority is claimed:

- a. no such applications have been filed.
- b. such applications have been filed as follows:

FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC § 119			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)
OTHER FOREIGN APPLICATION(S), IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S)			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or 365(c) of any PCT international application(s) designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose

material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. PARENT APPLICATION OR PCT PARENT NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

U.S. PROVISIONAL APPLICATION NUMBER	DATE OF FILING (Day, Month, Year)

I hereby appoint the following attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

George H. Gates	Registration No. 33,500
Victor G. Cooper	Registration No. 39,641
Karen S. Canady	Registration No. 39,927
William J. Wood	Registration No. 42,236
Jason S. Feldmar	Registration No. 39,187
Bradley K. Lortz	Registration No. 45,472
Timothy J. Lithgow	Registration No. 36,856

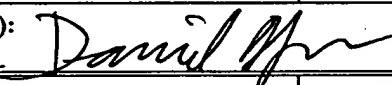
I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/ organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Gates & Cooper LLP to the contrary.

Please direct all correspondence in this case to the firm of Gates & Cooper LLP at the address indicated below:

GATES & COOPER LLP
Howard Hughes Center
6701 Center Drive West, Suite 1050
Los Angeles, CA 90045

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

(1)	Full Name Of Inventor	Family Name FARIS	First Given Name MARY	Second Given Name
	Residence & Citizenship	City Los Angeles	State or Foreign Country California	Country of Citizenship U.S.A.
	Post Office Address	Post Office Address 2538 Almaden Court	City Los Angeles	State & Zip Code/Country California 90077/U.S.A.
Signature of Inventor(1): <i>M.Far</i>				Date: 6.6.01
(2)	Full Name Of Inventor	Family Name CHALLITA-EID	First Given Name PIA	Second Given Name M.
	Residence & Citizenship	City Encino	State or Foreign Country California	Country of Citizenship LEBANON
	Post Office Address	Post Office Address 15745 Morrison Street	City Encino	State & Zip Code/Country California 91436/U.S.A.
Signature of Inventor(2): <i>Tia Challita Eid</i>				Date:
(3)	Full Name Of Inventor	Family Name MITCHELL	First Given Name STEVE	Second Given Name CHAPPELL
	Residence & Citizenship	City Santa Monica	State or Foreign Country California	Country of Citizenship U.S.A.
	Post Office Address	Post Office Address 2417-1/2 4th Street	City Santa Monica	State & Zip Code/Country California 90405/USA
Signature of Inventor(3): <i>Star mitchell</i>				Date: 6/6/2001
(4)	Full Name Of Inventor	Family Name AFAR	First Given Name DANIEL	Second Given Name E.H.
	Residence & Citizenship	City Brisbane	State or Foreign Country California	Country of Citizenship CANADA
	Post Office Address	Post Office Address 435 Vistacion Avenue	City Brisbane	State & Zip Code/Country California 945005/U.S.A.
Signature of Inventor(4):				Date:
(5)	Full Name Of Inventor	Family Name RAITANO	First Given Name ARTHUR	Second Given Name B.
	Residence & Citizenship	City Los Angeles	State or Foreign Country California	Country of Citizenship U.S.A.
	Post Office Address	Post Office Address 10807 Cushdon Avenue	City Los Angeles	State & Zip Code/Country California 90064/U.S.A.
Signature of Inventor(4): <i>arv Raitano</i>				Date: 6/6/2001

(1)	Full Name Of Inventor	Family Name FARIS	First Given Name MARY	Second Given Name
	Residence & Citizenship	City Los Angeles	State or Foreign Country California	Country of Citizenship U.S.A.
	Post Office Address	Post Office Address 2538 Almaden Court	City Los Angeles	State & Zip Code/Country California 90077/U.S.A.
Signature of Inventor(1):				Date:
(2)	Full Name Of Inventor	Family Name CHALLITA-EID	First Given Name PIA	Second Given Name M.
	Residence & Citizenship	City Encino	State or Foreign Country California	Country of Citizenship LEBANON
	Post Office Address	Post Office Address 15745 Morrison Street.	City Encino	State & Zip Code/Country California 91436/U.S.A.
Signature of Inventor(2):				Date:
(3)	Full Name Of Inventor	Family Name MITCHELL	First Given Name STEVE	Second Given Name CHAPPELL
	Residence & Citizenship	City Santa Monica	State or Foreign Country California	Country of Citizenship U.S.A.
	Post Office Address	Post Office Address 2417-1/2 4th Street	City Santa Monica	State & Zip Code/Country California 90405/USA
Signature of Inventor(3):				Date:
(4)	Full Name Of Inventor	Family Name AFAR	First Given Name DANIEL	Second Given Name E.H.
	Residence & Citizenship	City Brisbane	State or Foreign Country California	Country of Citizenship CANADA
	Post Office Address	Post Office Address 435 Vistacion Avenue	City Brisbane	State & Zip Code/Country California 945005/U.S.A.
Signature of Inventor(4): 				Date: May 23, 2009
(5)	Full Name Of Inventor	Family Name RAITANO	First Given Name ARTHUR	Second Given Name B.
	Residence & Citizenship	City Los Angeles	State or Foreign Country California	Country of Citizenship U.S.A.
	Post Office Address	Post Office Address 10807 Cushdon Avenue	City Los Angeles	State & Zip Code/Country California 90064/U.S.A.
Signature of Inventor(4):				Date:

(6)	Full Name Of Inventor	Family Name JAKOBOVITS	First Given Name AYA	Second Given Name
	Residence & Citizenship	City Beverly Hills	State or Foreign Country California	Country of Citizenship U.S.A.
	Post Office Address	Post Office Address 3135 Hutton Drive	City Beverly Hills	State & Zip Code/Country California 90210/U.S.A.
Signature of Inventor(6): <i>Aya Jakobovits</i>				Date: 5/31/01

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) it establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) it refutes, or is inconsistent with, a position the applicant takes in:
 - (i) opposing an argument of unpatentability relied on by the Office, or
 - (ii) asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) each inventor named in the application;
- (2) each attorney or agent who prepares or prosecutes the application; and
- (3) every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.